

## **7 FAM 1430 DRIVER'S LICENSES**

*(CT:CON-122; 12-20-2005)*  
*(Office of Origin: CA/OCS/PRI)*

### **7 FAM 1431 INTRODUCTION**

*(CT:CON-122; 12-20-2005)*

Consular officers interact with state, local and foreign authorities, U.S. citizens/non-citizen nationals and foreign nationals about driver's licenses in a variety of contexts. Many inquiries focus on whether it is possible to drive a motor vehicle in one country if you have a driver's license issued in another country. Some inquiries pertain to International Driver's Licenses (IDPs). In recent years, several countries have asked posts if the United States will consider entering into bilateral agreements or arrangement on reciprocal recognition of driver's licenses. This subchapter provides general guidance about these issues, but also discusses the issue of border security, driver's licenses and identification now being given serious scrutiny in the United States. For guidance on identity and U.S. passports, see 7 FAM 1320.

### **7 FAM 1432 AUTHORITIES**

*(CT:CON-119; 12-01-2005)*

**a. Laws:**

- (1) U.S. law regarding the issuance of driver's licenses is generally reserved to the individual U.S. states. However, Section 7212 of the Intelligence Reform and Terrorist Prevention Act of 2004 (Public Law 108-458) requires the federal government to set standards for issuance of state driver's licenses, and personal identification cards, that can be used for federal purposes. This statute will not become effective until implementing regulations are promulgated and procedures implemented by U.S. states (see 7 FAM 1433).
- (2) A driver's license means a motor vehicle operator's license as defined in 49 U.S.C. 30301(5). A Personal Identification Card, also issued by many states to non-drivers means an identification card as defined in 18 U.S.C. 1028(d)(3).

**b. Treaties:**

- (1) **Multilateral:** The United States is a party to two multilateral treaties regarding roads and transport. See Treaties in Force on the Department of State Internet page to confirm whether the host country is a party to these treaties. Foreign driver's licenses from countries party to the Conventions are accepted in the United States for up to 1 year.
  - (a) Convention on the Regulation of Inter-American Automotive Traffic (1943); 61 Stat. 1129; TIAS 1567; 3 Bevans 865.
  - (b) Convention on Road Traffic (1949); 3 UST 3008; TIAS 2487; 125 UNTS 22, United Nations (UN) under Databases/Treaties. The Convention provides for reciprocal recognition of driver's licenses issued in the other's territory.
- (2) **Bilateral:** There are **no bilateral treaties** between the United States and any country on reciprocal recognition of driver's licenses.
- (3) **The United States Is Not A Party To:**
  - (a) Hague Convention on the Law Applicable to Traffic Accidents, (1971);
  - (b) U.N. Convention on Road Traffic, (1968); or
  - (c) The Agreement on the Adoption of the Inter-American Manual on Traffic Control Devices for Streets and Highways, (1979).

## 7 FAM 1433 BORDER SECURITY, DRIVERS LICENSES AND IDENTIFICATION

*(CT:CON-119; 12-01-2005)*

- a. Section 7212 of the Intelligence Reform and Terrorist Prevention Act of 2004 (Public Law 108-458) requires the federal government to set standards for issuance of state driver's licenses, and personal identification cards, that can be used for federal purposes.
- b. **Inter-Agency Coordination:** The Security Working Group (SWG, or "team") of the joint Department of Transportation/Department of Homeland Security task force is charged with developing agency positions on Section 7212 of Public Law 108-458.
- c. **Effective Date:** The Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall publish regulations not later than 18 months after the date of enactment of Public Law 108-458 (enacted December 17, 2004). The Secretary of Transportation may extend the effective date specified under subsection (b)(1)(A) for up to 2 years for driver's licenses issued by a state if the Secretary determines

that the state made reasonable efforts to comply with the date under that subsection but was unable to do so.

## 7 FAM 1434 CHANGES IN STATE LAWS

*(CT:CON-119; 12-01-2005)*

- a. Nearly all U.S. state laws about driver's licenses have changed since the September 11, 2001 terrorist attack on America at the World Trade Center Towers in New York City and The Pentagon in Washington, DC. The document requirements to obtain a driver's license in most states are complicated combining aspects of proof of identity, proof of residence, and federal immigration law all into one. Information about initiatives in individual U.S. states is available at the National Conference of State Legislatures home page. Another source of information about state level initiatives is the American Association of Motor Vehicle Administrators (AAMVA). The Bureau of Diplomatic Security (DS) represents the U.S. Department of State on the AAMVA, Foreign Reciprocity Working Group.
- b. Fourteen (14) states require that a license expire at the same time as an immigrant's visa, 3 states denote non-citizenship in the driver's license, and 26 states require, to use the Department of Homeland Security's (DHS) term, a "lawful presence."
- c. In 2003 alone, 119 proposals were introduced in 40 states on the subject of issuing driver's licenses to aliens.
- d. U.S. embassies and consulates abroad and CA/OCS receive inquiries from foreign governments regarding changes in U.S. law and policy as it pertains to aliens in the United States. You may direct inquiries to CA/OCS/PRI at ASKPRI@state.gov.

## 7 FAM 1435 RECIPROCAL ARRANGEMENTS WITH U.S. STATES

*(CT:CON-119; 12-01-2005)*

- a. **Bilateral Agreements or Memorandum of Understanding (MOU)'s about Driver's Licenses:** Foreign governments frequently raise this issue with posts and the Department (CA). In addition, posts inquire about the feasibility of the United States or individual U.S. states entering into MOUs or other arrangements with host countries regarding reciprocity concerning driver's licenses. Posts cannot enter into negotiations on behalf of the United States with foreign governments regarding agreements about driver's licenses absent specific authorization (see 11 FAM 720, 11 FAM 730, 11 FAM 750).

- b. **Germany and Canada Examples:** The German Ministry of Transport in conjunction with the German Länder approved exemptions to the practical (road) and theoretical (written) tests for license holders from various U.S. states. See the U.S. Embassy in Germany's Internet home page, "Living in Germany – American Driver's License" for information about this practice. There are similar arrangements between Canadian provinces and some U.S. states.
- c. **U.S. Constitution Compact Clause:** The Compact Clause, Article 1, Section 10, Clause 3 of the U.S. Constitution provides that "[n]o State shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State, or with a foreign Power . . ." To avoid possible conflicts with the Compact Clause, the reciprocal recognition in the Germany and Canada cases was based on parallel unilateral policy declarations or determinations rather than written agreements..

## 7 FAM 1436 INTERNATIONAL DRIVING PERMITS

*(CT:CON-119; 12-01-2005)*

- a. Although many countries do not recognize U.S. driver's licenses, most countries accept an international driving permit (IDPs). IDPs are honored in more than 150 countries outside the United States. IDPs function as an official translation of a U.S. driver's license into 10 foreign languages. These licenses are not intended to replace valid U.S. state licenses and should only be used as a supplement to a valid license. IDPs are not valid in an individual's country of residence. Article 24 of the United Nations Convention on Road Traffic (1949) authorizes the U.S. Department of State to empower certain organizations to issue IDPs to those who hold valid U.S. driver's licenses.
- b. **Authorized by the U.S. Department of State to Issue IDPs:** The Department (L/T and EB) designated the American Automobile Association (AAA) and the American Automobile Touring Alliance (AATA) as the only authorized distributors of IDPs.
- c. **How to Apply for an International Driving Permit:** Before departing the United States, travelers can obtain an IDP at a local office of one of the two automobile associations authorized by the U.S. Department of State (L/T and EB): the American Automobile Association (AAA) and the American Automobile Touring Alliance through the National Automobile Club. AAA's application form gives an address to send applications from overseas as well.

**NOTE: Federal Trade Commission (FTC) Consular Alert on IDPs:**

- FTC Targets Sellers Who Deceptively Marketed International Driver's Permits over the Internet and via Spam
- FTC Consumer Alert About Unauthorized Sellers of International Driver's Licenses

## **7 FAM 1437 DEPARTMENT OF STATE ACTION OFFICES**

*(CT:CON-119; 12-01-2005)*

- a. CA/OCS maintains a Road Safety feature on the Consular Affairs Internet home page. All Consular Information Sheets include material about road safety.
- b. L/T (Treaty Office) maintains information about the international treaties to which the United States is a party regarding driver's licenses, transport and road safety.
- c. EB/TRA (Bureau of Economic and Business Affairs' Transportation Affairs division) overseas land transport policy issues.
- d. DS/OFM/VTC/V is a member of the American Association of Motor Vehicle Administrators Subcommittee on Driver's Licenses and Foreign Reciprocity.

## **7 FAM 1438 U.S. DEPARTMENT OF STATE MATERIALS ON DRIVER'S LICENSES AND ROAD SAFETY**

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Department of State materials about international and domestic drivers' licenses and road safety include:

- (1) Bureau of Consular Affairs - Road Safety feature (CA Internet Page);
- (2) Fraud Prevention Programs – Alerts (FPP Intranet Page); and
- (3) Bureau of Diplomatic Security - Personal Security--At Home, On the Street, While Traveling – Car Jacking; Personal Security for the American Business Traveler Abroad – Driving Abroad

## **7 FAM 1439 UNASSIGNED**